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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,638	12/19/2001	John Bankier	E003-1101US0	5044
48789	7590	10/11/2006		
LAW OFFICES OF BARRY N. YOUNG 260 SHERIDAN AVENUE SUITE 410 PALO ALTO, CA 94306-2047			EXAMINER TRUONG, LAN DAI T	
			ART UNIT 2152	PAPER NUMBER

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/029,638

Applicant(s)

BANKIER ET AL.

Examiner

Lan-Dai Thi Truong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/19/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is response to communications: application, filed 12/19/2001; amendment filed 07/17/2006. Claims 1-56 are pending.

### **Response to Arguments**

2. Applicant's arguments filed 07/17/2006 have been fully considered. Applicant's arguments are persuasive. The office action is withdrawn

### **Claim rejections-35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 and 6-10 are rejected under 35 U.S.C 103(a) as being un-patentable over Lin et al. (U.S. 2002/0073211) in view of Frolund et al. (U.S. 6,381,617)**

#### **Regarding to claim 1:**

Lin discloses the invention substantially as claimed, including a method, which can be implemented in a computer hardware or software code for processing electronic transactions between a client and a server of a computer network, the method comprising:

Establishing a communications connection between the network client and the network server at an electronic transaction assurance (eTA) system: Lin discloses method of establishing communications between “a web browser” which is equivalent to “the network client,” “an application server” which is equivalent to “the network server” and “a webserver server” which is equivalent to eTA system.”: (abstract; figure 6; [0028], lines 11-15)

Receiving a request message from the client at the eTA system, the request message relating to an aspect of the electronic transaction: Lin discloses “the webserver” which is equivalent to “eTA system” receives “web-browser’s request” which is equivalent to “the request message” prior a connection will be made to one or more application server in order for the web browsers to access the application server for “online information service” which is equivalent to “the electronic transactions.” The webserver monitors/ and records transaction states between the application server and the web browser: ([0031], lines 5-16; [0030], lines 8-12; [0028], lines 11-15; [0066]-[0067])

Extracting data from the message to record a state of the electronic transaction: Lin discloses communication sessions are monitored, and the session information is sent to the state server as retaining records of session activities: ([0028], lines 11-15)

However, Lin does not explicitly disclose detecting that a failure has occurred with respect to the transaction; determining whether an outcome of the transaction in relation to the request message has succeeded or failed; selecting an appropriate recovery action to recover from the failure; transmitting a response message to the client in accordance with the recovery action, wherein the response message masks the failure from the client.

In analogous art, Frolund discloses a three-tiered transaction processing system which detects transaction failures and provide recoveries for the transaction failure; therein, outcomes of transactions are detected to determine if transactions is successful or failed in order to provide an appropriate recovery actions: (abstract; figure 3, items 216, 222; column 3, lines 37-52, 63-64; column 6, lines 1-50; column7, lines 1-52)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Frolund's ideas of detecting transactions/outcomes failures in order to provide appropriate recovery actions with Lin's system in order to provide an efficient transaction processing system which made highly available solutions for detected connection failures, see (Frolund: column 4, lines 1-12)

**Regarding to claims 6 and 7:**

In addition to rejection in claim 1, Lin-Frolund further discloses failure from error code in message and not receiving response message: (Frolund: figure 4, item 318)

**Regarding to claims 8 and 10:**

This claim is rejected under rationale of claim 1

**Regarding to claim 9:**

In addition to rejection in claim 1, Lin-Frolund further discloses re-directing to another server for recovery action: Lin discloses method for recovering failure of a webserver by re-directing a process to another webserver: ([0035])

**Claims 2-5 are rejected under 35 U.S.C 103(a) as being un-patentable over Lin-Frolund in view of Watson et al. (U.S. 5,991,750)**

**Regarding to claims 2-3:**

Art Unit: 2152

Lin-Frolund discloses the invention substantially as disclosed in claim 1, but does not explicitly teach identifying a transaction type associated with the electronic transaction

In analogous art, Watson discloses method for associating transaction types and requesting types: (column 10, lines 10-67; column 11, lines 1-20; claim 13)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Watson's ideas of associating transaction types and requesting types with Lin-Frolund's system in order to provide an efficient account manager system, see (Watson: column 3, lines 35-44)

**Regarding to claims 4-5:**

This claim is rejected under rationale of claim 1

**Claims 14-15 are rejected under 35 U.S.C 103(a) as being un-patentable over Lin et al. (U.S. 2002/0073211) in view of Frolund et al. (U.S. 6,381,617) and further in view of Maccabee et al. (U.S. 6,108,700)**

**Regarding to claim 14:**

Lin-Frolund discloses a method as discuss in claim 1, which further includes information descriptive state of the transaction

In analogous art, Maccabee discloses recorded transaction includes information descriptions: (column 7, lines 60-65)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Maccabee's ideas of recorded transaction includes information descriptions with Lin- Frolund's system in order to provide an efficient transactions monitoring/reporting system, see (Maccabee: column 3, lines 1-10)

**Regarding to claim 15:**

Lin-Frolund Maccabee discloses a method as discuss in claim 14, which further includes, wherein the state capture process comprises capturing packets contained in electronic request messages from the client to the server and storing the packets with an identifier associated with a particular transaction between the client and the server: (Lin discloses “Session ID” which is equivalent to “identifier associated with transaction between the client and the server”: figure5, item 510)

**Claims 16-18 are rejected under 35 U.S.C 103(a) as being un-patentable over Lin-Frolund Maccabee in view of Phaal (U.S. 6,138,159)**

**Regarding to claim 16:**

Lin-Frolund Maccabee discloses the invention substantially as disclosed in claim 14, but does not explicitly teach wherein the failure detection process comprises monitoring for a failure code that is embedded in a response message from the server, wherein the failure code indicates that a failure has occurred, see (Phaal discloses method for detecting failure in network upon on failure to respond within a predetermined period: column 2, lines 61-67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Phaal’s ideas of determining whether the transaction in relation to the request message has succeeded or failed with Lin-Frolund Maccabee’s system in order to be able to discover the broken connection to provide connection failure recovery in order to process of client request without interrupt notwithstanding failure of individual host, see (Phaal: abstract, lines 1-10)

**Regarding to claim 17:**

Lin-Frolund Maccabee discloses the invention substantially as disclosed in claim 14, but does not explicitly teach wherein the failure detection process comprises monitoring for a response message from the server and deeming that a failure has occurred if a response message is not received within a predetermined time span, see (Phaal discloses method for detecting failure in network upon on failure to respond within a predetermined period: column 2, lines 61-67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Phaal's ideas of determining whether the transaction in relation to the request message has succeeded or failed with Lin-Frolund Maccabee's system in order to be able to discover the broken connection to provide connection failure recovery in order to process of client request without interrupt notwithstanding failure of individual host, see (Phaal: abstract, lines 1-10)

**Regarding to claim 18:**

Lin-Frolund Maccabee discloses the invention substantially as disclosed in claim 14, but does not explicitly teach wherein the failure masking process comprises sending a response message to the client from the eTA system in the event of a failure, wherein the response message is the same response that the client would have received had the failure not occurred, see (abstract, lines 1-21)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Phaal's ideas of determining whether the transaction in relation to the request message has succeeded or failed with Lin-Frolund Maccabee's system in order to be able to discover the broken connection to provide connection failure recovery in order to



Art Unit: 2152

process of client request without interrupt notwithstanding failure of individual host, see (Phaal: abstract, lines 1-10

**Claims 19, 37-42 and 51-56, 21-32 are rejected under 35 U.S.C 103(a) as being un-patentable over Lin et al. (U.S. 2002/0073211) in view of Frolund et al. (U.S. 6,381,617) and further in view of Watson et al. (U.S. 5,991,750) and further in view of Lomet (U.S. 5,287,501)**

**Regarding to claim 19:**

Lin-Frolund discloses a method as discuss in claim 1, which further includes

Logging and reporting relevant information about the state and the message parameter of the electronic transaction: Lin discloses log of transaction activities: ([0028], lines 11-15)

However, Lin-Frolund does not explicitly discloses identifying a transaction type and message parameters included in the received message, thereby defining electronic transaction to which the message relates

In analogous art, Watson discloses method for associating transaction types and requesting types: (column 10, lines 10-67; column 11, lines 1-20; claim 13)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Watson's ideas of associating transaction types and requesting types with Lin-Frolund's system in order to provide an efficient account manager system, see (Watson: column 3, lines 35-44)

However, Lin-Frolund- Watson does not explicitly disclose updating the transaction type and message parameters

Art Unit: 2152

In analogous art, Lomet discloses transaction log entries are updated including transaction types: (figure 6; column 7, lines 60-67; column 8, lines 1-35; column 11, lines 12-22)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Lomet's ideas of transaction log entries are updated including transaction types with Lin-Frolund- Watson's system in order to provide an efficient transaction, recovery system, see (Lomet: column 4, lines 30-35)

**Regarding to claims 37-42, 51-56 and 21-32:**

This claim is rejected under rationale of claim 19

**Claim 20 is rejected under 35 U.S.C 103(a) as being un-patentable over Lin-Frolund-Watson-Lomet in view of Tanner et al. (U.S. 2002/0070976)**

**Regarding to claim 20:**

Lin-Frolund-Watson-Lomet discloses the invention substantially as disclosed in claim 14, but does not explicitly teach wherein the communications connection is a secure connection, see (Tanner discloses "secure channel" which is equivalent to "secure connection" used for transaction between user account and vendor account: [0051])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Tanner's ideas of using secure channel for process transaction with Lin-Frolund-Watson-Lomet's system in order to provide secure network

**Claims 43-45, 47-50 are rejected under 35 U.S.C 103(a) as being un-patentable over Lin et al. (U.S. 2002/0073211) in view of Frolund et al. (U.S. 6,381,617) and further in view of Watson et al. (U.S. 5,991,750) and further in view of Lomet (U.S. 5,287,501) and further in view of Maccabee et al. (U.S. 6,108,700)**

**Regarding to claim 43:**

Lin-Frolund-Watson-Lomet discloses a method as discuss in claim 19, which further includes Record including time stamp

In analogous art, Maccabee discloses recorded transaction includes information descriptions such as time stamp: (column 7, lines 60-65)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Maccabee's ideas of recorded transaction includes information descriptions with Lin-Frolund-Watson-Lomet's system in order to provide an efficient transactions monitoring/reporting system, see (Maccabee: column 3, lines 1-10)

**Regarding to claims 44-45, 50:**

This claim is rejected under rationale of claim 19

**Regarding to claims 47-49:**

In addition to rejection in claim 43, Phaal-Wallach-Lin further discloses wherein the eTA system includes multiple eTA nodes, see (Wallach: figure 1, items 88A-88C)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Wallach's ideas of using the replicated database to provide failure connection recovery rules with Phaal-Lin's system in order to provide to provide a improvement of performance of network such as uninterrupted connection, see (Wallach: column 2, lines 33-47)

**Claim 46 is rejected under 35 U.S.C 103(a) as being un-patentable over Lin-Frolund-Watson-Lomet-Maccabee in view of Shkedi (U.S. 6,832,207)**

**Regarding to claim 46:**

Lin-Frolund-Watson-Lomet-Maccabee discloses the invention substantially as disclosed in claim 37, but does not explicitly teach storing the transaction identifier comprises inserting information into the back end server database using an Internet cookie, see (Shkedi: column 4, lines 20-27)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Shkedi's ideas of storing information is cookie with Lin-Frolund-Watson-Lomet-Maccabee's system in order to be able to use the cookie as recognition message, see see (Shkedi: column 4, lines 20-27)

**Claim 33 is rejected under 35 U.S.C 103(a) as being un-patentable over Lin et al. (U.S. 2002/0073211) in view of Kashyap (U.S. 2002/0087912)**

**Regarding to claim 33:**

Lin discloses the invention substantially as claimed, including a system, which can be implemented in a computer hardware or software code for processing electronic transactions between a client and a server of a computer network, the method comprising:

A communications processor that receives electronic transaction messages over a computer network between a customer at a client node and a server node: Lin discloses "a webserver" which is equivalent to "a communications processor" receives "web-browser's request" which is equivalent to "the request message" prior a connection will be made to one or more application server in order for the web browsers/the users to access the application servers for online information services" : ([0031], lines 5-16; [0030], lines 8-12; [0028], lines 11-15; [0066]-[0067])

However, Davies does not explicitly disclose a policy-based policy manager engine that manages electronic transaction message processing and resulting customer experience by allowing users of the system to define message processing policies that specify conditions and actions to be taken when any of the specified policy conditions is true to provide transparent failover

In analogous art, Kashyap discloses “fail-over policy” which is equivalent to “policy-based policy”: [0026]) or (20040230660: [0025])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kashyap’s ideas of using fail-over policy for recovery failure connection with Davies’s system in order to provide network communication without lost connection, see (Kashyap, [0015])

**Claim 34 is rejected under 35 U.S.C 103(a) as being un-patentable over Lin - Kashyap in view of Phaal (U.S. 6,138,159)**

**Regarding to claim 34:**

Lin -Kashyap discloses the invention substantially as disclosed in claim 33, but does not explicitly teach an electronic transaction assurance system as defined in claim 33, wherein the policy manager engine masks computer network failures from the customer and generates message interaction with the customer if needed to keep the customer informed of any processing delays and keep the customer engaged in a message dialog to enhance the customer's interaction experience with an e-business Web site at the server node

In analogous art, Phaal discloses normally client computer directs communication to the assigned server, but if a failure condition of assigned server is detected, a new server is assigned to service the client computer: (abstract, lines 11-20)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Phaal's ideas of determining whether the transaction in relation to the request message has succeeded or failed with Lin -Kashyap's system in order to be able to discover the broken connection to provide connection failure recovery in order to process of client request without interrupt notwithstanding failure of individual host, see (Phaal: abstract, lines 1-10)

**Claims 35-36 are rejected under 35 U.S.C 103(a) as being un-patentable over Lin – Kashyap- Phaal in view of Wallach et al. (U.S. 6,292,905)**

**Regarding to claims 35-36:**

Lin –Kashyap- Phaal discloses the invention substantially as disclosed in claim 34, but does not explicitly teach policy manager engine

In similar art, Wallach discloses the replicated database to provide failure connection recovery rules: (3figure 1, items 88a-88c)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Wallach's ideas of using the replicated database to provide failure connection recovery rules with Davies-Kashyap-Phaal's system in order to provide to provide a improvement of performance of network such as uninterrupted connection, see (Wallach: column 2, lines 33-47)

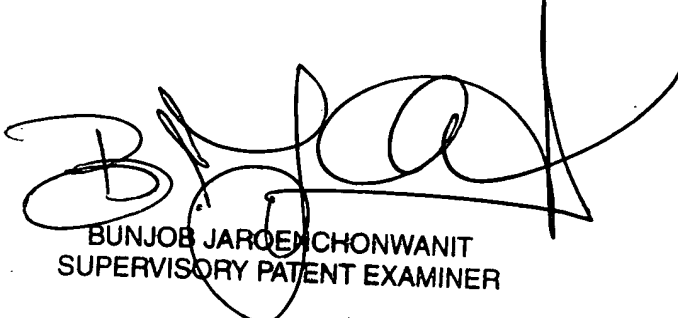
### Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/01/06



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